

City Council Meeting Minutes

**August 18, 2020
Electronic Meeting
6:00 PM**

Call to Order – Mayor Stolzmann called the meeting to order at 6:00 p.m. **Roll Call** was taken and the following members were present:

City Council: ***Mayor Ashley Stolzmann
Mayor Pro Tem Dennis Maloney
Councilmember Kyle Brown
Councilmember J. Caleb Dickinson
Councilmember Deborah Fahey
Councilmember Chris Leh
Councilmember Jeff Lipton***

Staff Present: ***Heather Balser, City Manager
Megan Davis, Deputy City Manager
Kevin Watson, Finance Director
Nathan Mosely, Parks, Recreation, & Open Space Director
Kurt Kowar, Public Works Director
Rob Zuccaro, Planning & Building Safety Director
Lisa Ritchie, Senior Planner
Dave Hayes, Police Chief
Megan Pierce, Economic Vitality Director
Meredyth Muth, City Clerk***

Others Present: ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

APPROVAL OF AGENDA

Mayor Stolzmann called for changes to the agenda and hearing none asked for a motion. Councilmember Leh moved to approve the agenda, seconded by Councilmember Dickinson. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA

Brian Topping, 1550 White Violet Way, stated street sweeping of bike lanes would be appreciated.

APPROVAL OF THE CONSENT AGENDA

Mayor Stolzmann asked for changes to the consent agenda; hearing none she asked for a motion.

Councilmember Brown stated he supports the City participating in the wastewater surveillance collaborative as a way to help track the spread of COVID.

Mayor Pro Tem Maloney moved to approve the consent agenda, seconded by Councilmember Dickinson. All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: August 4, 2020***
- C. *Award Bid for 2020 CIPP Sewer Lining Project***
- D. *Approval of Resolution No. 60, Series 2020 – A Resolution Approving an Intergovernmental Contract with the State of Colorado for Storm Water Quality Master Plan and Capital Improvement Plan Improvements***
- E. *Approval of Resolution No. 61, Series 2020 – A Resolution of the City of Louisville, Colorado Authorizing the Assignment of the City's Private Activity Bonds Allocation for 2020 to the Housing Authority of the County of Boulder, Colorado; Providing Other Details in Connection Therewith; and Providing an Effective Date***
- F. *Approval of Resolution No. 62. Series 2020 – A Resolution Approving a Memorandum of Understanding Regarding the Colorado SARS-COV-2 Wastewater Surveillance Collaborative***
- G. *Approval of Louisville Revitalization Commission Policy Revision for Cost Sharing for Required Third-Party Review***
- H. *Approval of Resolution No. 63, Series 2020 – A Resolution Approving a 2020-2021 Grant Application for the Colorado Department of Local Affairs' Peace Officer Mental Health Support Grant Program***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Stolzmann noted the City has a new problem reporter feature on the website that residents can use to report issues to City staff.

CITY MANAGER'S REPORT

None.

REGULAR BUSINESS

**ORDINANCE NO. 1798, SERIES 2020 – AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE CONOCOPHILLIPS CAMPUS GENERAL DEVELOPMENT PLAN (REDTAIL RIDGE MASTER PLAN) – 2nd READING, PUBLIC HEARING
(advertised *Daily Camera* 7/19/20) continued from 8/4/20**

REDTAIL RIDGE COMPREHENSIVE PLAN AMENDMENT PROPOSAL – REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE PHILLIPS 66 SPECIAL USE DISTRICT DESIGNATION FROM RURAL TO SUBURBAN, CHANGE THE LAND USE MIX POLICIES TO INCLUDE MULTI-FAMILY RESIDENTIAL, HEALTHCARE AND LODGING, AND INCREASE ALLOWANCES FOR THE FLOOR AREA RATIO AND BUILDING HEIGHT POLICIES

Mayor Stolzmann reopened the public hearing and asked for disclosures. There were no disclosures. Mayor Stolzmann asked if the applicant wanted to respond to the public comments from the last meeting. She noted the response would be limited to 15 minutes.

Geoff Baukol stated they had listened to the community feedback from the last meeting and are now looking at ways to decrease the size of the project in a way that still provides for a productive development that would keep Medtronic. He stated they are now looking to reduce the plan by over 2M square feet putting the total development at 3-3.5M total square feet; meeting or just above the rural FAR designation. They are looking a variety of ways to do this using different office, industrial, and residential uses. He stated a new plan would include public benefits such as open space.

Baukol stated they would like feedback on what should be the desired mix of uses on the site; is there a desire to have any residential in the mix and what kind of mix; is there interest in making it all commercial/light industrial; and how best should the applicant move forward. Baukol noted that the changes to the application will affect the bonding costs of the development and would also bring different pros and cons for the City.

Mayor Stolzmann stated the purpose of this hearing tonight is to discuss the application as it was filed.

Mayor Pro Tem Maloney asked about the fiscal analysis and if looking at the use by right would there be a requirement for parks and open space dedications. Caron Bise, the City's fiscal policy consultant, stated that building what is allowed by right would not trigger any parks and open space requirements as those are triggered by residential building and by right the parcel has no residential.

Councilmember Dickinson asked if Medtronic can make any guarantees it will actually build in Louisville. Director Zuccaro stated the current GDP does have some concurrency

requirements that the corporate campus be built with the senior living. James Driessen, Medtronic, stated they want to move forward with this project on this site and are continuing to work on that.

Mayor Stolzmann stated she would like to see RTD provide more information on how it will service this development; without that she feels the traffic numbers are overly optimistic on how much ridesharing there will actually be. She has concerns about the assumptions in the traffic study and also about how the interchange at US 36 interchange will be affected.

Mayor Stolzmann stated if the applicant wants a height variance there should be larger open space dedications. She clarified this proposal does not have a Rock Creek Trail connection as some have stated.

Councilmember Fahey stated she is very concerned sustainability was not addressed in the application.

Mayor Pro Tem Maloney asked that given the applicant plans to change the application significantly, can Council make a motion at this time or do we need to continue with all the steps on the agenda. City Attorney Kelly stated as the applicant has not filed any official revisions to the application and there is no detail as to what the changes might be, the Council should use this hearing to give feedback on the application as filed.

City Attorney Kelly added that if substantial changes are going to be made to the application she would recommend the application be remanded back to the Planning Commission so a full hearing process can take place on the revised application. This would allow the public the chance to also review any changes and comment in the public hearing process.

Mayor Pro Tem Maloney asked if Council could move to remand the application back to Planning Commission at this point. City Attorney Kelly stated that could happen now if that is acceptable to the applicant. Otherwise the Council is only able to comment on what is in the application as currently proposed against the criteria. This hearing is not designed for the applicant to ask questions of Council about possible changes that have not been filed.

Mayor Pro Tem Maloney noted this parcel is very important to town as is having Medtronic in town. He likes the expansion of parks and open space in the proposal but agrees it is just too big as currently proposed. He noted residential is needed on the property, possibly workforce housing, but less than what is currently proposed.

Councilmember Leh stated the conversation tonight has to be limited to the current proposal; that is legally required in this process and the applicant is entitled to due process. He agreed the proposal is too big and generates too much traffic. He would like

to see more sustainability in the plan. He would like to see residential options for a variety of users and he would like to keep the Medtronic campus.

Councilmember Brown stated this development has the opportunity to make a real statement on sustainability. He agreed it is too big as presented. He would like to see this development feel connected to the rest of town to help with the sense of community.

Councilmember Brown moved to remand the application back to the Planning Commission; Councilmember Leh seconded the motion.

Councilmember Dickinson stated he is excited at the park and soccer field uses in the proposal as well as the open space and bike trails. He likes the corporate campus and the affordable and senior housing. He stated the traffic and size are of concern as is the lack of sustainability in the plan. He would like the taller buildings set in the middle of the parcel. He would like to see affordable housing options.

Councilmember Lipton stated the current proposal is too dense with too much traffic. He stated this development needs a variety of housing options. We cannot continue to promote single family housing all over town, we need affordable housing, work force housing, and housing for all ages. He would like a mix of commercial and perhaps some retail. He would like a well-integrated development. He also agrees it should have a sustainability component and the City should make that a part of our regular standards.

Mayor Stolzmann stated affordable housing needs to be permanently affordable to address diversity issues. The residential we approve needs to truly address this problem.

Mayor Pro Tem Maloney stated staff made recommendations in their presentation and he feels those are important and should be given to the Planning Commission when they hear this again.

Mayor Stolzmann asked if additional information is needed in the motion. City Attorney Kelly stated the motion is adequate but she would recommend the applicant acknowledge to the Council that the reason the application is being remanded back to the Planning Commission is because the applicant is planning to make significant changes to the proposal.

Baukol stated they support the remand to the Planning Commission.

Public Comments

Brian Topping, 1550 White Violet Way, stated residents want to see this be a really positive development for the community. He would like to see more retail and more sustainability incorporated into the project.

Charlotte Buck, 947 Larkspur Lane, stated she does not support the request to change the Comp Plan and GDP. She doesn't want dense development on the site and wants more sustainability.

Matt Jones, 265 Dahlia Drive, stated the development should meet the current Comp Plan. It doesn't need the residential and Medtronic can build under what is currently allowed.

John Leary, 1116 LaFarge Avenue, stated this should be a bottom up process where the residents get the most say.

Sam Bailey, Denver Metro Economic Development Corporation, stated their organization supports the Medtronic campus on this site. This could be a great activator on this site and it brings a great corporation to this site that will invest in the community.

Jonathan Vigh, 355 Cherokee Avenue, Superior, stated he supports the residential component as Louisville has a dire need of housing for people of all income levels especially starter homes. He stated continued single family zoning restrictions only makes Louisville less diverse and it needs multi-family housing.

Susan Morris, 939 West Maple, stated the Council should not be redesigning this proposal but should simply deny it. The developer needs to come back with a new plan and start over. There is no need for residential and Medtronic can build under what is currently allowed.

Erin Lindsay, 826 Trail Ridge Drive, stated Medtronic should partner with the community and build under current regulations. The current proposal is too big and this should be denied.

Katherine Marsella, 703 Gold Way, Superior, stated as a Monarch High School student she would like to see a new proposal that does not impact the high school so heavily. This proposal should be denied.

Matt Michaelis, 1918 Quail Circle, reviewed the statistics of the public comments stating he found ninety percent of the comments from Louisville residents are against the project. This is too big and not what the community wants. Please deny the application.

Stephanie Rowe, 631 West Street, stated she feels this proposal has not been transparent with the public and doesn't feel the company can be trusted.

Terrie Clark, 765 East Wiggins, Superior, doesn't support the project. Residents should drive this process.

Weiyan Chen, 146 Cherrywood Lane, stated these decisions shouldn't be made during the pandemic. She feels senior living in this location isolates elderly residents too far from services.

Maxine Most, 640 West Linden, stated Medtronic should not be subsidized by the City. The project needs to include sustainability and should be led by resident input. She asked Council to deny the application and create sustainability guidelines for development.

Scott MacLaughlin, 948 St. Andrews Lane, stated he feels the traffic impact study grossly underestimated impacts and it should be redone.

Gail Hartman, 724 Ponderosa Court, stated the Council should deny the application rather than remand it to Planning Commission.

Tamar Krantz, 691 West Street, stated the Comp Plan should not be amended and the project should be led by citizen input.

Robin McLaughlin, 948 St. Andrews Lane, asked if water use had been taken into account for this development.

Tiffany Boyd, 550 Grant Avenue, stated the City's Sustainability Action Plan should be taken into consideration for this proposal. This developer has not prioritized sustainability for this community.

Mayor Stolzmann asked the applicant for their response to the public comment.

Baukol thanked the Council and the public for the feedback and stated they would like to move this forward quickly. They hope to bring a plan that will benefit the community and Medtronic.

Mayor Stolzmann closed the public hearing.

Mayor Stolzmann clarified that remanding this to the Planning Commission is not approving the Comp Plan amendment.

Mayor Pro Tem Maloney moved to give special consideration to any of the staff recommendations that will still apply to the new application. Councilmember Brown and Councilmember Leh agreed to that amendment.

Roll Call Vote: Motion passed by unanimous roll call vote.

ORDINANCE NO. 1799, SERIES 2020, AN EMERGENCY ORDINANCE AMENDING AND RESTATING THE REQUIREMENT TO WEAR A FACE COVERING WITHIN THE CITY OF LOUISVILLE – 1ST AND FINAL READING – PUBLIC HEARING – Adoption as an Emergency Ordinance

Mayor Stolzmann introduced the item noting this was a first and final reading of an emergency ordinance. She opened the public hearing.

City Attorney Kelly stated the current face covering ordinance expires at the end of the month. This ordinance would continue the face covering requirement without an expiration date so it would be in place until amended or repealed by the Council. The exceptions in the State order have not been included in this version so Council may want to consider if they want to add any of those.

City Attorney Kelly stated if adopted tonight, this ordinance will go into effect immediately.

Councilmember Leh proposed adding two specific exceptions to the ordinance. One for persons who are hearing impaired or communicating with someone hearing impaired where seeing the mouth is essential. And, one allowing for face coverings to be removed temporarily if someone needs to make proper identification of a person in a place of public accommodation.

Councilmember Leh moved to pass the proposed ordinance with the two exemptions added; Councilmember Brown seconded the motion.

Public Comments

John Leary, 1116 LaFarge, asked how this will be implemented in the schools.

Don Parcher 378 Grouse Court, recommended rather than saying disabled person it should use person with a disability.

Mayor Stolzmann stated Boulder County Public Health is recommending the school district require masks.

Councilmember Brown moved to make an amendment to include that suggested language change. Councilmember Leh agreed to that change as well.

Public Comments – None

Roll Call Vote: motion passed by unanimous roll call vote.

ORDINANCE NO. 1796, SERIES 2020 – AN ORDINANCE APPROVING THE REZONING OF LOTS 1 AND 2, CRYSTAL ESTATES REPLAT A LOCATED AT 1655 COURTESY ROAD AND 1655 CANNON CIRCLE FROM THE COMMERCIAL BUSINESS ZONE DISTRICT TO THE COMMERCIAL COMMUNITY, MIXED USE ZONE DISTRICT PURSUANT TO LOUISVILLE MUNICIPAL CODE CHAPTER 17.14 - MIXED USE ZONE DISTRICTS – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 8/2/20) – request to continue to 9/1/20

Mayor Stolzmann introduced the item noting the request to continue the item to September 1.

Mayor Stolzmann moved to continue the item to September 1; Councilmember Dickinson seconded the motion.

Voice Vote: All in favor of continuance.

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Mayor Stolzmann noted the Downtown Business Association (DBA) would like to extend the Main Street closure this year and asked if Council would like to have that discussion. Members agreed it would be added to the September 1 agenda.

Mayor Stolzmann stated the DBA would like the Council to have a discussion of a permanent closure of Main Street as well. She stated a Councilmember may bring that forward as a part of the 2021 work plan; that would be the best way to discuss that as it would require a great deal of time and public feedback. Members were comfortable with that approach.

ADJOURN

Members adjourned at 9:22 pm.

Ashley Stolzmann, Mayor

Meredyth Muth, City Clerk